

Application No. 10/622,042
Reply to Office Action mailed December 28, 2005

REMARKS

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's understanding. Additionally, the Office Action includes several characterizations of the present invention. Applicants do not agree with or adopt these characterizations.

By this amendment, claims 1, 13, 25, 27, 37 and 43 are amended. No new matter has been added. Claims 1-45 remain pending in the application.

In the Office Action, claims 1-45 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,283,644 to Gilliland et al. ("Gilliland"); claims 1-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over GB 2241349 to Janssen or U.S. Patent No. 6,674,941 to Tatum et al. ("Tatum") in view of U.S. Patent No. 6,328,482 to Jian.

Rejection Under 35 U.S.C. § 102(b)

Applicants traverse the rejection of claims 1-45 under 35 U.S.C. § 102(b) to Gilliland for at least the reason that Gilliland fails to disclose each and every element of the claimed invention. For example, Gilliland fails to disclose at least "wherein the post has a height of between about 30 microns and about 250 microns," as recited in claim 1, and similar elements in claims 13 and 43. Applicants note that the Office Action includes no correlation between the cited reference and the claim elements, no explanation of corresponding elements, and no attempt whatsoever to explain how the reference is being applied to the claim elements. In this regard, the rejection is in contradiction to 37 C.F.R. 1.104(c)(2), which requires in part: "When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each

Application No. 10/622,012
Reply to Office Action mailed December 28, 2005

reference, if not apparent, must be clearly explained and each rejected claim specified." It is unclear what, if any, structure in Gilliland was cited as corresponding to a post as recited in the claims. In any event, the particular limitation is not met by Gilliland.

With respect to claim 25, Gilliland fails to disclose at least "a window situated proximate to said plurality of lenses, wherein the window is about 300 microns thick," as recited in claim 25. As mentioned above, the Office Action gives no indication of what, if any, elements of Gilliland correspond to the claimed limitation. In any event, the particular limitation is not met by Gilliland.

With respect to claims 27 and 37, Gilliland fails to disclose at least "wherein the lens has a thickness of between about 20 microns and about 600 microns," as recited in claim 27, and similar limitations in claim 37. As mentioned, the Office Action gives no indication of what, if any, elements of Gilliland correspond to the claimed limitation. In any event, the particular limitation is not met by Gilliland.

Because the Office Action fails to establish anticipation of each and every element of the claimed invention, Applicants submit that claims 1, 13, 25, 27, 37, and 43 are in condition for allowance. Claims 2-12, 14-24, 6, 28-36, and 38-42 are allowable for their dependence on an allowable independent claim. Applicants request the withdrawal of the rejection of claims 1-45 under 35 U.S.C. § 102(b) over Gilliland.

Rejection Under 35 U.S.C. § 103

Applicants traverse the rejection of claims 1-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Janssen or Tatum in view of Jian as failing to establish a *prima facie* case of obviousness for at least the reason that the references fail to disclose or suggest, either alone or in combination, each and every element of the claimed invention. For example, none of the references disclose or suggest at least "a post having first and second ends," as recited in claim 1, and similar elements in claims 13, 25, and 43. The Office Action simply failed to address the limitation with respect to any of the cited references. It is unclear which, if any, features of in the cited references are alleged by the Office Action to correspond to these claimed elements.

Application No. 10/622,042
Reply to Office Action mailed December 28, 2005

Similarly, none of the cited references disclose or suggest "wherein the lens has a thickness of between about 20 microns and about 600 microns," as recited in claim 27, and similar limitations in claim 37.


Because each and every claimed element is not disclosed or suggested by the cited references, the Office Action failed to establish a *prima facie* case of obviousness, and claims 1, 13, 25, 27, 37, and 43 are in condition for allowance. Claims 2-12, 14-24, 6, 28-36, and 38-42 are allowable for their dependence on an allowable independent claim. Applicants request the withdrawal of the rejection of claims 1-45 under 35 U.S.C. § 103(a) over Janssen or Tatum in view of Jian.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims. The Examiner is encouraged to contact the undersigned if the Examiner believes that a telephone interview or Examiner's amendment will further the prosecution of this application.

Respectfully submitted,

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